

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ZURICH AMERICAN INSURANCE COMPANY and
SCHREIBER FOODS INC.,

Plaintiffs,

v.

Case No. 23-C-548

INTERSTATE LEASING LLC
d/b/a I-44 COLD STORAGE,

Defendant.

ORDER

The Complaint in the above matter alleges subject-matter jurisdiction based upon 28 U.S.C. § 1332. More specifically, the Complaint asserts that the plaintiffs and the defendant are completely diverse citizens; it alleges that Plaintiff Zurich American Insurance Company is a New York corporation with an office for the transaction of business in Illinois, Plaintiff Schreiber Foods Inc. is a Wisconsin corporation with an office for the transaction of business in Wisconsin, and Defendant Interstate Leasing Inc. is a Missouri limited liability company with an office for the transaction of business in Missouri. The Seventh Circuit has held that limited liability companies are citizens of every state of which any member is a citizen. *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 692 (7th Cir. 2003). Because the Complaint only alleges the LLC's principal place of business, its allegations are insufficient to confer jurisdiction on the Court.

Based upon the foregoing, the Complaint is dismissed for failure to allege subject matter jurisdiction. The dismissal, however, is without prejudice, and Plaintiffs may file an amended

complaint within the next thirty days if they are able to remedy the defects. Since members of LLCs are often not identified in public filings, it is often the case that the plaintiff does not know with certainty who the members are and where they are citizens. Allegations on information and belief are sufficient, if it appears likely that none are citizens of Wisconsin, until the underlying facts can be verified in discovery.

SO ORDERED at Green Bay, Wisconsin this 2nd day of May, 2023.

s/ William C. Griesbach
William C. Griesbach
United States District Judge